

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 ACDA-19 CIAE-00 DODE-00 PM-07 H-03 INR-10

NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15

DRC-01 /184 W

----- 032598

R 050249Z DEC 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 1777

UNCLAS SECTION 1 OF 2 USUN 5376

E.O. 11652: N/A

TAGS: UNGA, ICRC, PARM

SUBJ: UNGA--LEGAL COMMITTEE--HUMAN RIGHTS IN ARMED CONFLICTS

REFS: USUN 5293, USUN 5306; USUN 5307; AND USUN 5351

1. SUMMARY. LEGAL COMMITTEE ADOPTED RESES ON HUMAN
RIGHTS IN ARMED CONFLICTS AT AFTERNOON MEETING DEC 4.
DRAFT RES A/C.6/L.964 (PARA 14 OF USUN 5293) ADOPTED BY
VOTE OF 97-0-4(ISRAEL, PORTUGAL, CUBA, US), AFTER KENYAN
AMENDMENT ADOPTED BY VOTE OF 71-6(US)-25. DRAFT RES
A/C.6/L.969 (USUN 5307) ADOPTED BY VOTE OF 68-12(US,
EC 9)-21. VOTING BREAKDOWNS FOLLOW. US GAVE EXPLANATION OF VOTE
BEFORE VOTE ON BOTH RESES. END SUMMARY.

2. INDONESIA AND KENYA SUBMITTED FOLLOWING REVISED
AMENDMENT, REPLACING PREVIOUS PROPOSALS BY THESE TWO DELS:

"ADD THE FOLLOWING NEW OPERATIVE PARAGRAPH 2 AND RENUMBER
THE SUBSEQUENT PARAGRAPHS:

'2. URGES THE INVITATION OF THE NATIONAL LIBERATION
MOVEMENTS RECOGNIZED BY THE VARIOUS REGIONAL
INTERGOVERNMENTAL ORGANIZATIONS CONCERNED TO PARTICIPATE IN
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THE CONFERENCE AS OBSERVERS IN ACCORDANCE WITH THE PRACTICE

OF THE UNITED NATIONS."

FOLLOWING WAS RESULT OF ROLL-CALL VOTE:

YES: AFGHANISTAN, ALGERIA, ARGENTINA, AUSTRALIA,
BAHRAIN, BARBADOS, BOTSWANA, BULGARIA, BURUNDI, BEYELORUSSIA,
CAMEROON, CAR, CHAD, CHINA, COLOMBIA, CONGO, CUBA,
CYPRUS, CZECHOSLOVAKIA, DAHOMEY, DEM YEMEN, ECUADOR,
EGYPT, ETHIOPIA, GABON, GDR, GHANA, GUINEA, GUYANA, HAITI,
HUNGARY, INDIA, INDONESIA, IRAQ, IVORY COAST, JAMAICA,
KENYA, KUWAIT, LAOS, LEBANON, LIBERIA, LIBYA, MADAGASCAR,
MALI, MEXICO, NEPAL, NIGER, NIGERIA, OMAN, PERU,
PHILIPPINES, POLAND, ROMANIA, SIERRA LEONE, SINGAPORE,
SRI LANKA, SUDAN, SWAZILAND, SYRIA, THAILAND, TOGO,
UGANDA, UKRAINE, USSR, UAE, TANZANIA, VENEZUELA, YEMEN,
YUGOSLAVIA, ZAIRE AND ZAMBIA.

NO: ISRAEL, PORTUGAL, SOUTH AFRICA, SPAIN, UK,
AND US.

ABSTAIN: AUSTRIA, BELGIUM, BOLOVIA, BURMA, CANADA,
DENMARK, FINLAND, FRANCE, FRG, GREECE, GUATEMALA, HONDURAS,
IRAN, IRELAND, ITALY, JAPAN, LUXEMBOURG, NETHERLANDS,
NEW ZEALAND, NICARAGUA, NORWAY, PARAGUAY, SWEDEN, TURKEY,
URUGUAY.

ABSENT: ALBANIA, BAHAMAS, BHUTAN, BRAZIL, CHILE, COSTA
RICA, DOMINICAN REPUBLIC, EL SALVADOR, EQUATORIAL GUINEA,
FIJI, GAMBIA, ICELAND, JORDAN, KHMER, LESOTHO, MALAWI,
MALAYSIA, MALDIVES, MALTA, MAURITANIA, MAURITIUS, MONGOLIA,
MOROCCO, PAKISTAN, PANAMA, QATAR, RWANDA, SAUDI ARABIA,
SENEGAL, SOMALIA, T AND T, TUNISIA, UPPER VOLTA.

3. UAE AMENDMENT, TRANSMITTED PARA 2 OF USUN 5351,
ADOPTED BY VOTE OF 103(US)-1(ISRAEL)-0. ISRAEL IN EXPLANATION
OF VOTE SAID ANADOLYNE LANGUAGE MADE UNACCEPTABLE ONLY
BECAUSE OF STATEMENTS MADE BY UAE REP IN INTRODUCING IT.

4. RES AS WHOLE WAS THEN ADOPTED PER VOTE CONTAINED IN
SUMMARY.

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5. COMMITTEE THEN HAD ROLL-CALL VOTE ON DRAFT RES
A/C.6/L.969. FOLLOWING IS BREAKDOWN:
YES: AFGHANISTAN, ALBERIA, ARGENTINA, BAHRAIN, BARBADOS,
BULGARIA, BURMA, BURUNDI, BYELORUSSIA, CAMEROON, CAR,
CHAD, CHINA, COLOMBIA, CONGO, CUBA, CYPRUS,
CZECHOSLOVAKIA, DAHOMEY, DEM YEMEN, EGYPT, ETHIOPIA,
GABON, GDR, GHANA, GUINEA, GUYANA, HAITI, HUNGARY, INDIA,
INDONESIA, IRAQ, IVORY COAST, KENYA, KUWAIT, LAOS,

LEBANON, LIBERIA, LIBYA, MADAGASCAR, MALI, MEXICO, MOROCCO,
NEPAL, NIGER, NIGERIA, OMAN, PERU, PHILIPPINES, POLAND,
ROMANIA, RWANDA, SIERRA LEONE, SINGAPORE, SRI LANKA,
SUDAN, SYRIA, THAILAND, TOGO, UGANDA, UKRAINE, USSR, UAE,
TANZANIA, VENEZUELA, YUGOSLAVIA, ZAIRE, ZAMBIA.

NO: AUSTRIA, BELGIUM, FRANCE, FRG, ISRAEL, ITALY,
LUXEMBOURG, NETHERLANDS, PORTUGAL, SOUTH AFRICA, UK, US.

ABSTAIN: AUSTRALIA, BOLIVIA, BOTSWANA, CANADA, DDNMARK,
FINLAND, GREECE, GUATEMALA, HONDURAS, IRAN, IRELAND,
JAMAICA, JAPAN, NEW ZEALAND, NICARAGUA, NORWAY, PARAGUAY,
SPAIN, SWEDEN, TURKEY, URUGUAY.

NOT PARTICIPATING: SWAZILAND.

ABSENT: ALBANIA, BAHAMAS, BHUTAN, BRAZIL, CHILE, COSTA
RICA, DOMINICAN REPUBLIC, ECUADOR, EL SALVADOR, EQUATORIAL
GUINEA, FIJI, GAMBIA, ICELAND, JORDAN, KHMER, LESOTHO,
MALAWI, MALAYSIA, MALDIVES, MALTA, MAURITANIA, MAURITIUS,
MONGOLIA, PAKISTAN, PTANAMA, QATAR, SAUDI ARABIA, SENGAL,
SOMALIA, T AND T, TUNISIA, UPPER VOLTA, YEMEN.

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

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DRC-01 /184 W

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TO SECSTATE WASHDC 1778

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6. IN EXPLANATION OF VOTE BEFORE VOTE ON BOTH RESES,
DELOFF COMMENTED FIRST ON L.964. HE SAID RES AS WHOLE AS

TABLED STRONGLY SUPPORTED BY USG, WHICH ENDORSED WORK OF ICRC AND WELCOMED DIPLOMATIC CONFERENCE. USG COULD ACCEPT UAE AMENDMENT BECAUSE WORDING CREATED NO PROBLEMS, BUT WE DID NOT ACCEPT ANY CONNOTATIONS GIVEN TO AMENDMENT BY CERTAIN OTHERS IN THEIR SPEECHES ON IT. USG OPPOSED KENYAN-INDONESIA AMENDMENT AND WOULD VOTE AGAINST IT. WE CONSIDERED THIS RESULT WOULD BE UNPRECEDENTED FOR INTERNATIONAL LAW-MAKING CONFERENCE, WE SAID "AN INAPPROPRIATE FORM OF PARTICIPATION IN THE CONFERENCE OF ENTITIES WHICH ARE NOT STATES WOULD RAISE THE QUESTION AS TO WHETHER IT WOULD CONTINUE TO BE A USEFUL FORUM FOR THE NEGOTIATION OF INTERNATIONAL CONVENTIONS." IF THIS AMENDMENT ADOPTED, USG WOULD ABSTAIN ON ENTIRE RES. WE COULD NOT ACCEPT DRAFT RES L.969 AS A SERIOUS RES. WE CONSIDERED IT WRONG IN VIRTUALLY EVERY PARA AS STATEMENT OF LAW. SUCH RES WAS ANTITHESIS OF HUMANITARIAN LAW, WHICH TREATS ALL VICTIMS AS IN EQUAL NEED OF PROTECTION WITHOUT REGARD TO CAUSE THEY FIGHTING FOR. TO CLASSIFY ONE KIND OF CONFLICT AS INTERNATIONAL BECAUSE OF MOTIVATION TOTALLY UNACCEPTABLE. SPECIAL TREATMENT BECAUSE OF MOTIVATION ALSO TOTALLY UNACCEPTABLE. EACH PARTY TO ANY CONFLICT WILL ASSERT IT FIGHTS FOR JUST CAUSE AND OPPOSING SIDE ARE CRIMINALS. EVERYBODY,

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ESPECIALLY INNOCENT VICTIMS, WILL SUFFER, DRAFT RES L.969 DOES NOT INCREASE PROTECTION; IT ENDS PROTECTION. DELOFF NOTED THAT IT IRONIC THAT MOST OF THOSE ARGUING STRONGEST FOR SPECIAL TREATMENT BASED ON SPECIAL MOTIVES ALSO THOSE WHO ARGUE THAT PROTOCOL ON NON-INTERNATIONAL CONFLICTS MUST BE WEAK TO ENSURE STABILITY OF EMERGING STATES. THIS IS SAME AS SAYING THAT HIGH STANDARDS OF HUMANITARIANISM SHOULD BE APPLIED TO OTHER CIVIL WARS, BUT NOT ONE'S OWN. IF THESE COUNTRIES SERIOUSLY INTERESTED IN STRENGTHENING HUMANITARIAN PROTECTION, THEY WOULD WORK FOR STRONG PROTOCOL ON NON-INTERNATIONAL CONFLICTS AND ESCHEW SEEKING SHORT TERM POLITICAL GAIN. CONCLUDING, DELOFF SAID US MUST VOTE AGAINST RES. HE SAID IF PARTICIPANTS AT DIPLOMATIC CONFERENCE IN FEBRUARY UNABLE MORE SERIOUSLY TO FOCUS ON HUMANITARIAN INSTEAD OF POLITICAL CONCERN, USG HAD GRAVE DOUBTS ABOUT ABILITY OF CONFERENCE SUCCESSFULLY TO CONCLUDE ITS WORK.

7. SEVERAL WEOS HAVE ALSO GIVEN EXPLANATION OF VOTE WITH STRONGEST COMING FROM FRG AND WEAKEST FROM FRANCE. EXPLANATIONS OF VOTE CONTINUE DEC 5.
BENNETT

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